

National Maritime Security Advisory Committee: June 2, 2005

National Maritime Security Advisory Council – Minutes of June 2, 2005 Meeting

The public meeting of the National Maritime Security Advisory Committee (NMSAC) was called to order at 9:00 a.m., on June 2, 2005, by the **Executive Director, Captain Frank Sturm**, United States Coast Guard (USCG). The minutes are a synopsis of the one day meeting. Audio recordings of the public meeting may be reviewed and will be retained within the Office of Port and Cargo Security (G-MPS-2) at Coast Guard Headquarters for two years from the date of the meeting.

Members appointed to the Committee are as follows:

Mr. Wade Battles	Ms. Mary Frances Culnane
Mr. John Dragone	Mr. William Eglinton
Mr. David Halstead	Ms. Lisa Himber
Mr. John Hyde	Ms. Alice Johnson
Mr. Christopher Koch	Mr. Joseph Langjahr
Mr. Basil Maher	Mr. Theodore Mar
Mr. Robert Merhige, III	Mr. Jeffrey Monroe
Mr. Charles Raymond	Mr. Timothy Scott
Mr. James Stolpinski	Mr. Thomas Thompson
Mr. Mark Witten	Mr. Victor Zaloom


CAPT Sturm welcomed the members and the public. Special guests were also recognized. They included the following: Rear Admiral Thomas Gilmour, USCG; Rear Admiral Larry Hereth, USCG; Mr. Daine Eisold, Director of Maritime Programs for the Transportation Security Administration (TSA); Mr. Richard Lolich, Director, Office of Domestic Shipping, Maritime Administration (MARAD), Kathy Conway, Director of Interdiction Security, Customs and Border Protection (CBP), and Mr. Jim Patton, Senior Policy Advisor, Border and Transportation Security (BTS).


RDML Hereth, Director of Port Security, provided welcoming remarks to the Committee. Reflecting on current Department of Homeland Security (DHS) events, he noted that the Secretary has chartered an effort entitled Second Stage Review, which is a comprehensive review of all aspects of the Department. He said that the chartered workgroups undertaking the review are working on a very short timeline to provide the Secretary input that will allow him to make strategic moves for the Department. Secondly, he noted that the Homeland Security Presidential Directive 13 (HSPD-13) which deals with national maritime security strategy is well underway.

In addition, he stated that the Coast Guard (CG) has taken inventory of all its significant projects related to maritime security that are national-in-scope. This review generated a list of about 65 separate projects and 32-35 research and development projects that support the 65 security initiatives. He said that with all of this activity, it reinforces and underscores the importance of a council like this to have a continuing dialogue to not only tell you all what is going on, but for us to be forthcoming and transparent about what we think the projects are of importance. "We also want to engage you in meaningful

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dialogue about the things that are important to you, the corrections that we need to make, and the strategic moves that will be cost and time effective for all of us.”

Captain Sturm provided a brief overview of the agenda ( double click on the icon to view). He noted that there will be briefings from different agencies within DHS to cover a number of issues that relate to security planning in the maritime environment. Most of the presentations revolve around the issue of communication between government and the private sector to provide a base for the task statement to be issued to the Communications Work Group. He noted that the Coast Guard is soliciting input from that work group on how to improve communications, particularly in the area of recovery after a significant maritime incident. Going down the agenda, he mentioned that Mr. Jim Caverly from DHS, IAIP/ICD will speak, there will be presentations on HOMEPORT and the National Response Options Matrix (NROM), and there will be some administrative work regarding security clearances. After a lunch break there will be several hours for committee deliberations and discussion on the latest task statement.

LCDR Baldinelli briefed the NMSAC on HOMEPORT, a web based information sharing enterprise within a secure network that the CG is currently developing. ( double click on the icon to view slide presentation). He noted that each HOMEPORT user will be associated with a given Area Maritime Security Committee (AMSC) or COTP. Version 1.0 will allow access to products that are designated Sensitive But Unclassified to include Sensitive Security Information (SSI). Some of the information will be threat products from either the national or the local level.

LCDR Baldinelli emphasized the following points: an important functionality in the first version of HOMEPORT will be the ability to immediately communicate Maritime Security (MARSEC) level changes to registered users. This notification will be made via e-mail and if there is specific information, it will be noted and readily available via a link to the HOMEPORT website. Owners of vessels and facilities will also be able to log on and report when they have attained any changed MARSEC level. This notification procedure will streamline our current way of doing business.

Registration for HOMEPORT will be determined by each COTP. The target audience is federal, state and local law enforcement, or first responders, AMSC's and vessel and facility plan owners. It will be limited to those who have a demonstrated need to know for security purposes. Each user will associate themselves with all appropriate COTP's and areas within which they operate.

There is an internet portion of HOMEPORT which is open access. There will be an American Waterways Watch tab that will allow people to make reports, however this will be in the next version as the system matures.

Mr. Witten asked how HSIN and HOMEPORT will interact.

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Response. Currently, HSIN will feed HOMEPORT, but procedures for information going the other way have not been determined at this time. Concern was expressed regarding duplication and whether the systems will work with each other

Alice Johnson asked if an operator will have to present themselves and two identifications at each port that they choose to operate in.

LCDR Baldinelli responded that is a policy question that is being addressed, recognizing the possible impracticalities in some areas where vast differences may inhibit the ability to show oneself at multiple COTP zones.

Alice Johnson asked if associations such as the Western Rivers Group might assist with the registration process to act as a sort of clearing house.

LCDR Baldinelli noted that he will take the suggestion to the HOMEPORT policy group for consideration. He further noted that HOMEPORT is on schedule for launch by the end of the summer.

CAPT Wayne Dumas was introduced and presented a briefing on the National Response Options Matrix (NROM) ( double click on icon to view the briefing). He explained the following points: the NROM is a pre-planned quick action, quick response plan – to cover the first 0-48 hours of a significant maritime transportation security incident (TSI). The NROM was developed to assist senior leadership and provides previously agreed upon options for immediate use following a maritime TSI.

The goal of NROM is to prevent further attacks and protect the maritime transportation system, maritime critical infrastructure and key assets, and high density population centers. Options might include changes in the MARSEC level of activity for Coast Guard forces and the maritime industry; closure or control of similar ports from target groups; restricting port activities; denying entry or compelling exit of certain types or nationalities of vessels; identify other agency's points-of-contact for immediate notification or coordination of activities on a national level, regionally or by specific ports; and to the extent possible, facilitate the uninterrupted flow of maritime commerce, travel and the legitimate use of the maritime environment.

Mr. Koch noted that NROM deals with 0-48 hours response time and inquired if the program is far enough along to determine if the event included a container--could foreign ports be notified within this timeline to effect decisions at the load point?

Kathy Conway (Customs and Border Patrol) indicated that CBP will be calibrating its targeting and manifest systems.

Mr. Battles asked if NROM will drill down to particular area maritime security plans, and how will it get to the next level impacting the area security plans.

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CAPT Dumas stated that it will be up to each COTP and each AMSC to workout the specifics of the national guidance at the local level.

RDML Hereth added that the intention is not to change particular vessel or facility security plans. He noted that the MARSEC level would be changed if appropriate, and the individual plans would then react to the change.

CDR Kevin Koob was introduced and presented a briefing on the organization and structure for the National Strategy for Maritime Security and the maritime security plans. The briefing described the relationships among the system of plans required by the Maritime Transportation Security Act 2002 (MTSA) including the Area Maritime Security Plans, vessel security plans and facility security plans and their alignment with the National Maritime Security Plan.

Of particular note is the response requirement to an incident of national significance within the transportation sector. An incident deemed to be of national significance requires the standing up of an Interagency Incident Management Group (IIMG). The IIMG consist of pre-selected high-level federal officials who will advise national leaders in responding to the incident. However, it is recognized that this group will need to consult with private-industry subject matter experts (SMEs) who can inform the IIMG of the widespread ramifications and consequences of the decisions the IIMG might make. The NMSAC is being asked to recommend individuals within various sectors of the maritime industry who can be called upon to serve as SMEs to provide advice to the IIMG in response to incidents of national significance (see Communications Task Statement).

Henry F. White, President, Institute of International Container Lessors, commented that we have had incidents, explosions, etc, but the issue we are really talking about is that there may be nuclear, biological and chemical (NBC) weapons available to terrorists, and he did not understand how, not having these experiences in the United States, these incidents can be lumped in with oil spills and ship explosions with the same reaction.

CDR Koob responded that he was not sure as to how to respond to that statement; however this is the established way of responding to an incident of national significance, not a national security incident. Those decisions are made at a much higher level than the COTP, at a level of the organization's senior most leadership. This construct helps to establish a path to an organized approach in conjunction with the NROM which addresses catastrophic incidents that have an impact on the national maritime transportation system and will have global impact on the implications of the destruction associated with that. The issue before the NMSAC is: Who should be at the table in the situation of a catastrophic incident that impacts the maritime realm?

RDML Hereth added that there are a host of possible incidents that are not related to NBC (nuclear, biological, chemical). We have to be prepared to respond to any and all incidents. The scalability of the response organization that can be put together with people that are schooled in these kinds of incident response plans is significant. But

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that's not to say that there is no DOD component to the response, especially a terrorist incident.

Henry F. White expressed his concern about pushing forward, and setting deadlines which force issues and plans that may not include the full spectrum of things that can happen. This is a significant first step, and it should be approached from that perspective.

Ted Thompson asked specifically what is the level of participation expected of these folks.

RDML Hereth responded that the "table" being referred to on the briefing slides was the input at the national level for the Interagency Information Management Group (IIMG) as the Secretary makes decisions about strategic issues that might affect movement of cargo, for instance, shutting down ports, and other major strategic moves.

LCDR Mike Cunningham was introduced and presented the proposed task statement concerning Asymmetric Migration. He noted that stowaways, absconders and deserters make up the category of asymmetric migration. Noting that CBP is the lead for immigration issues, he has worked closely with CBP in developing the task statement. The focus of the tasking is to develop policy recommendations that vessel operators and companies can implement to help reduce the incidents of asymmetric migration. He referred to the industry meeting of March 24th regarding the CG/CBP MOA and standard operating procedures (SOP) for dealing with high-risk crew members. He noted that the meeting developed a number of different topics and CBP has issued additional policy guidance further explaining the SOP to its field units and the CG will be doing the same.

John Hyde noted that 12 comments of major concern were submitted from the March 24th meeting. He inquired how those concerns will be responded to?

CAPT Sturm responded noting that FACA requires specific procedures and it is our policy that a Work Group must have a task statement in order to work on an issue. In order to comport with FACA, it was noted prior to the March 24th meeting, that the meeting was part of CBP and CG industry outreach efforts and not a work group function.

Mr. Hyde stated that the group thought they were acting with appropriate guidance to address some fundamental questions regarding liability issues and law enforcement obligations that the government appears to be attempting to transfer to the private sector and the underlying authority for the government to do so.

LCDR Cunningham responded that the concerns raised will be addressed in the forthcoming NVIC.

Mr. Koch indicated that although there was no task statement the fact remains that the SOP generated a great deal of confusion and that feedback to industry concerns is still warranted.

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CAPT Sturm indicated that LCDR Cunningham will provide written responses to issues raised from the prior meeting.

Mr. Koch further inquired if there is any discussion on how fast CBP will deploy fingerprinting to check foreign mariners on commercial cargo vessels coming in and out of US ports (US VISIT) which will have some application on the overall asymmetric migration issue.

Kathy Conway stated that a timeline has not been presented to date. The mobile technology to do that is still under development, but these issues are under discussion.

RMDL Hereth added that both CG and CBP are favorably inclined towards the use of this technology as it evolves and staffs from both agencies are looking for solutions.

Mr. Koch engaged LCDR Cunningham in discussion of the asymmetric migration task statement suggesting that it could be further refined on the issue of employer support for mariners obtaining visas.

LCDR Cunningham noted that he would take the comments under advisement and the task statement would be revised.

Alice Johnson inquired with few US flag vessels, and the crews of other vessels are predominantly foreign, how can this task be put on the employer unless it is also an international effort.

LCDR Cunningham stated that there are numerous efforts ongoing to assist mariners worldwide. However, the requests of the task statements are not designed to be applicable worldwide, but limited to foreign mariners presenting themselves for entry to the US.

Alice Johnson stated that it is still an issue at facilities, for example, if an individual needs medical attention and cannot be brought off of the vessel because of immigration issues.

Kathy Conway noted that medical evacuations to a hospital are permitted.

RDML Hereth noted that asymmetric migration is only one part of this issue; credentialing is another; shore leave for mariners is another. These are complex issues of high risk that we can do something about in a balanced way that makes sense for all involved.

Mr. Koch inquired that since these questions primarily deal with absconders and deserters, is there some policy forthcoming regarding stowaways.

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LCDR Cunningham stated that the fourth item on the task statement attempts to deal with stowaways. He noted that the items on the statement do not limit what the work group can address.

RDML Hereth noted that we are interested in continuing dialogue with each of you. Each member is affiliated with numerous networks in the maritime industry which helps to facilitate the communication process and although we will not always agree on everything at least we are talking, which is the productive nature of organizations such as this.

Mr. Koch stated his encouragement with this cooperative spirit and presented the issue of third party terminals at foreign ports. He suggested that the CG can use the ISPS code to affect the operations of these terminals to focus on the issue of stowaways.

LT Rob Lemonde was introduced and provided a briefing on security clearance administrative procedures.

Mr. Jim Caverly, DHS Information Analysis (IA) / Infrastructure Protection (IP) was introduced and presented a briefing on Sector Coordinating Councils (SCCs). He noted that there have been discussions around SCCs and IP views the NMSAC and the local AMSCs as serving many of the functions of an SCC for the maritime sector. Therefore IP will not look to duplicate functions and create another framework for the maritime sector. IP will look to work with the NMSAC as appropriate, through the Coast Guard, for its public/private partnership for infrastructure protection.

Mr. Caverly further noted that although the CG is the sector specific agency for maritime, DHS has a coordinating responsibility to ensure that seamless protection applies across all sectors (e.g., water, electricity, petroleum, etc.). IP is responsible for infrastructure protection. Infrastructure Coordination Division (ICD) is responsible for private sector relationships. CG has the lead for maritime. IP's responsibility is to help build the coordinated relationships across all sectors and to help you as owners/operators make reasonable risk decisions relative to protecting your facility and ensure that your efforts are integrated with those public resources that are part of the protective envelope around your facilities. Hence, infrastructure protection is a shared public/private responsibility.

Mr. Halstead inquired if there is a final National Infrastructure Protection Plan (NIPP) yet?

Mr. Caverly responded that the current NIPP is an interim response and, for all intents and purposes, is the base plan. The finished plan will include sector specific plans and should be available by early fall. The base plan should define roles and responsibilities and should define how the federal government will make decisions about funding to local government resources. The Committee recessed for lunch following Mr. Caverly's briefings.

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CAPT Sturm resumed the meeting with an overview of the afternoon's proceedings and introduced representatives from other DHS organizations in attendance: Kathy Conway (CBP); Rosalie Luster (CBP); Nick Lackus (TSA), Dane Eisold (TSA), Rich Lolitch (MARAD); Tom Watson (IA/IP); CAPT (ret) Kevin Dale (USCG); LT Mike Dolan (USCG); and Ike Eisentrout (USCG).

He then introduced the task statements noting that the morning briefings were conducted to provide topical background information to the Committee. He further noted that a purpose of the task statements is to provide directions for the workgroups. It was emphasized however, that the statements are not cast in stone and are subject to amending based on input from the Committee. The Committee was then turned over to Mr. Chris Koch, the committee chair.

Mr. Koch opened by noting that the Committee has already established two working groups for the task statements. He recommended that the workgroups take the respective task statements for review and return the statements to the CG with recommended amendments and edits. It was proposed that the next move for the Asymmetric Migration WG is to meet with the agencies (CG & CBP) and work together to refine the task statement. He also noted that if industry is to assist, a profile of a likely absconder would be helpful for the members to assist in this endeavor.

Mr. Hyde noted that having a better understanding of the specific issues involved would be beneficial in helping the work group respond to the asymmetric migration tasking.

It was suggested that the Committee members forward suggestions to CAPT Sturm for non-committee members who would be appropriate as members of this work group.

RDML Hereth suggested that General Maritime Management might be considered to participate with this group considering its experience with asymmetric migration issues.

Ted Thompson noted that under the definition of stowaway: rescued migrants at sea were treated as stowaways. He inquired how they should be dealt with and recommended this as a topic of discussion.

Mr. Koch then turned the discussion to the Communications Task Statement. He noted that the Committee could benefit from further discussion with the Coast Guard on the role of the Sector Coordinating Council as it relates to the recommended subject matter experts. A better understanding of the skills and knowledge sets the government is looking for would be helpful. He suggested breaking this into groups, such as brown water, cruise ships, etc., without being too unwieldy.

LCDR Michael Dolan agreed that breaking it up into business areas or sectors is helpful and that concept is already incorporated in the task statement.

CAPT Sturm noted that from Mr. Caverly's perspective, IA/IP wants to know who should receive threat information, and who should be called for immediate advice. The

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distribution piece is not a great concern for the Coast Guard because the COTPs already have an information distribution network in place. However, the missing component is having a pre-identified group that the CG can get input from regarding the impact to industry of decisions made on the Federal level. He noted that this is where the Committee can help fill the gap.

Mr. Witten and Mr. Scott indicated that they are members of sector coordinating councils for other industry sectors and each described their experiences with IA/IP in the SCC context.

Alice Johnson noted that CTAC assisted with MTSA and has already identified 30 people, who are already cleared, and are able to be contacted for advice. She noted that they have the ability to reach back and consult additional groups worldwide.

CAPT Sturm noted that there is no need to duplicate what already exists and suggested that we could identify areas within the maritime sector that are distinct enough (e.g. chemical) to have its own representative and incorporate them on the list of SMEs.

RDML Hereth noted that in shaping this committee something similar to that occurred to identify industry segments that represented the diversity of the maritime mode of transportation. Many of the sectors are represented here. One possibility would be to identify what is not represented on the NMSAC and seek them out.

LCDR Dolan noted that the NROM already outlines government actions to be taken 0-60 hours after an incident. The intent of the task statement goes beyond the NROM and bridges the gap to the medium and long range post-incident recovery actions. The subject experts would provide good feedback, quickly on proposed courses of actions, and identify potential unintended consequences that might result from the governments misunderstanding of business processes.

Further robust discussion of the task statement and the communication process between government and industry ensued. The Committee recommended that the government provide additional clarification regarding the specific tasking to the Committee. The Committee also requested that a copy of the NROM be made available. The Committee recessed for a fifteen minute afternoon break.

The meeting resumed with the chair recognizing the imminent departure of RADM Hereth and Lcdr Walker and thanked them for their service to the committee. Mr. John Bastek was introduced as the incoming Executive Secretary for the committee.

CAPT Sturm then introduced **CAPT (ret) Kevin Dale** who provided a briefing on the Coast Guard's recovery planning efforts. Following the briefing **CAPT Sturm** indicated that he would inform Mr. Caverly that the proposed subject experts would likely be the maritime equivalent of a maritime SSC for IA/IP purposes. It was noted that the experts would not be subject to FACA.

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Mr. Koch recommended that the staff provide the Committee with a list of proposed maritime business subsectors to review. Each member can then determine which group they belong in and decide if the assumption is correct regarding the outflow of information from the Coast Guard to industry is sufficient. Each member could then start thinking about who might be recommended as experts within the subsectors. The end of August was suggested as the target timeframe to accomplish the task. The Committee continued to dialogue the issue and adopted the chair's recommendations.

Mr. Koch reported that the Committee's inquiry to industry on Boarding Consistency and enforcement issues that was discussed during the last meeting resulted in no significant findings and does not warrant a task statement at this point.

Ms. Himber inquired as to the status of the TWIC WG recommendations were adopted by the Committee.

CAPT Sturm noted that CG and TSA are working together and meet weekly on the regulation project. Results from the prototype programs underway are needed before the regulations will be completed which is expected near summer's end. The committee's input will be incorporated in the rulemaking.

Mr. Eglinton noted that there is a Coast Guard public meeting on mariner credentials scheduled in mid-June and asked how the TWIC project ties in?

CAPT Sturm indicated that meeting is looking at changes to current credentialing document requirements for mariners and although the TWIC is on a separate schedule, the drafters will track its development.

The Committee engaged in discussion of administrative issues regarding the scheduling of meeting dates for the work groups and the next committee meeting. It was recommended that the next meeting be scheduled for the latter part of September or early October. Dates for the workgroups would be determined later. The chair opened the floor for public comment.

Public Comment

Dick Frederick, American Salvage Association informed the group of the makeup and goal of the association. He noted that the association was developed at the recommendation of the CG and consists of over 98% of the salvage community. The mission is to raise the professional standards within their business; 2) to further communicate with regulatory agencies; and 3) assist with casualty response and infrastructure damage. The association's vice president, **Mr. Paul Hankins**, was introduced to the committee and briefly discussed the advantages of including salvagers in the recovery planning process.

Mr. Koch inquired if the area plans have a salvage component?

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Mr. Frederick stated that each FOSC and COTP has guidance on how to handle salvage during a casualty, but it is on an individual basis as to whether it is in the area plans.

A short discussion between the committee and Mr. Frederick on the subject of salvage operations ensued. Mr. Frederick informed the committee that he would be available to participate with the recovery workgroup. This was followed by a short briefing by the staff on administrative issue.

The meeting adjourned at 4:45 P.M.

The minutes have been reviewed for accuracy by CAPT Frank Sturm (Executive Director) and Mr. Chris Koch (Chair).